

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

TERREL HASKINS,

Plaintiff,

-against-

CITY OF NEW YORK, and JOHN and JANE DOE 1 through 10, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants

**DECLARATION OF
JOANNE M. McLAREN IN
SUPPORT OF
DEFENDANTS' MOTION
FOR SUMMARY
JUDGMENT**

15-CV-02016 (MKB)(RML)

Joanne M. McLaren declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct.

1. I am an attorney in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants City of New York, Theodore Lauterborn (“Lauterborn”), Clifford Strong (“Strong”), Essence Jackson (“Jackson”), Humberto Kibel (“Kibel”), and Christopher Ottomanelli (“Ottomanelli”), (collectively, “Defendants”). As such, I am familiar with the facts stated below and submit this declaration to place the relevant facts and documents on the record in support of Defendants’ Motion for Summary Judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the deposition of Plaintiff Terrel Haskins, taken on February 17, 2016, and June 20, 2016.

3. Attached hereto as Exhibit B is a true and correct copy of a Search Warrant, dated February 10, 2015, authorizing the search of 2940 West 31st Street, Apartment 7G, Brooklyn, New York (“Apartment 7G”) during which Plaintiff was arrested.

4. Attached hereto as Exhibit C are true and correct copies of Follow Up Informational Reports and associated reports (“DD5s”), documenting sales of cocaine by an individual calling himself “Dale,” who had access to Apartment 7G, to undercover officers and confidential informants.

5. Attached hereto as Exhibit D is a true and correct copy of the Floor Plan of 2940 West 31st Street, Apartment 7G, showing the dimensions and layout of the apartment, and where Dale Anderson and Plaintiff were situated in relation to the contraband recovered. At his deposition, Plaintiff labelled the closet where the drugs were found, by writing the word “Drugs,” and wrote the numbers “1,” “2” and “3” to show where three couches in the living room were positioned.

6. Attached hereto as Exhibit E is a true and correct copy of excerpts of the deposition of Detective Essence Jackson, taken on May 12, 2016, in which Detective Jackson testified that he could smell marijuana when he entered Apartment 7G, and described the location where the drugs were found in the apartment.

7. Attached hereto as Exhibit F is a true and correct copy of the Arrest Report of Terrel Haskins, dated February 14, 2015, related to his arrest after the search of Apartment 7G.

8. Attached hereto as Exhibit G is a true and correct copy of a Field Test Report, confirming that the substances discovered in Apartment 7G were cocaine and marijuana.

9. Attached hereto as Exhibit H is a true and correct copy of a Laboratory Test Report, confirming that the substances discovered in Apartment 7G were cocaine and marijuana.

10. Attached hereto as Exhibit I is a true and correct copy of an Arrest Report

documenting that when Plaintiff was previously arrested on November 29, 2013, he informed the arresting officer that his address was 2940 West 31st Street, Brooklyn, New York.

11. Attached hereto as Exhibit J is a true and correct copy of a Certificate Issued by NYC Fire Department, Certificate Number 87439436, issued to Plaintiff on February 16, 2016, showing Plaintiff's address as 2940 West 31st Street, Apartment 7G, Brooklyn, New York. At his deposition, Plaintiff testified that this card replaced his original card which was issued on April 9, 2014, and which also listed his address as 2940 West 31st Street, Apartment 7G, Brooklyn, New York.

12. Attached hereto as Exhibit K is a true and correct copy of the Amended Complaint in this action, filed on or about August 18, 2015.

13. Attached hereto as Exhibit L is a true and correct copy of the Criminal Court Complaint in this action, which states that Plaintiff and Dale Anderson were lying on separate couches in the living room, and that drugs, including cocaine and marijuana, were found in a container in a closet outside the living room of Apartment 7G, which is consistent with the recitation of the facts which Plaintiff provided at his deposition.

14. The Criminal Court Complaint, sworn to by Detective Jackson, is the only evidence in the record of any of the Defendants communicating facts about Plaintiff's arrest to the District Attorney's Office.

15. Attached hereto as Exhibit M is a true and correct copy of Dale Anderson's Waiver of Right to Appeal, Indictment No. 327/15, dated February 19, 2015, documenting Dale Anderson's guilty plea in connection with his February 14, 2015, arrest.

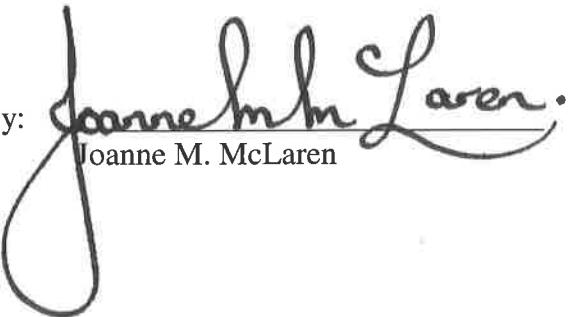
16. Attached hereto as Exhibit N is a true and correct copy of a Declaration of Captain Lauterborn in this action, dated August 30, 2016, documenting his lack of personal

involvement in the arrest and prosecution of Plaintiff.

Dated: New York, New York
 January 20, 2017

ZACHARY W. CARTER
Corporation Counsel of the City of New York
*Attorney for Defendants City of New York,
Theodore Lauterborn, Clifford Strong, Essence
Jackson, Humberto Kibel, and Christopher
Ottomanelli*
100 Church Street
New York, New York 10007
(212) 356-2671

By:


Joanne M. McLaren

To: VIA E.C.F.
 Robert Marinelli, Esq.
Attorney for Plaintiff